

Town of Pittsford SELECT BOARD – March 15, 2023

MEMBERS PRESENT: W. Joseph Gagnon, David Mills, Alicia Malay ABSENT: Thomas Hooker and Mark Winslow OTHERS PRESENT: Rula Moradi, Donna Wilson, Kevin Blow, Rick Conway, Sandy Conway, Chuck Charbonneau, David Atherton – Town Manager, Kelly Giard – Recording Secretary.

The Select Board was called to order at 6:30 PM by Town Manager Atherton.

D. Mills stated that the agenda should be amended to add “Select Board Member Comments” and to add the Conway motion for discussion. Motion by D. Mills and seconded by A. Malay to adopt the agenda as amended. Motion passed 3 – 0.

Appointment of Chairman:

Motion by D. Mills and seconded by J. Gagnon to nominate Alicia Malay as Chair of the Select Board. Motion passed 3 – 0.

Appointment of Vice Chairman:

Motion by A. Malay and seconded by J. Gagnon to nominate David Mills as Vice Chair of the Select Board. Motion passed 3 – 0.

Mr. Atherton stated that there was no need for Executive Session.

Motion by D. Mills and seconded by J. Gagnon to nominate the Assistant to the Town Manager as the Recording Clerk. Motion passed 3 – 0.

Motion by D. Mills and seconded by J. Gagnon to nominate the Brandon/Pittsford Reporter as the Official Newspaper. Motion passed 3 – 0.

Motion by D. Mills and seconded by J. Gagnon to hold the regular Select Board meetings on the first and third Wednesday of each month at 6:30 PM. Motion passed 3 – 0.

Motion by D. Mills and seconded by J. Gagnon to accept the following as presented:

- Delinquent Tax Collector – David Atherton
- Tree Warden – Robert Ketcham
- Animal Control Officers – Vacancy; Richard Bowman
- Enhanced 9-1-1 Coordinator – Jeffrey Biasuzzi
- Emergency Management Director – Timothy Cornell
- Fence Viewers – W. Joseph Gagnon; David Mills; Mark Winslow
- Fuel Coordinator – David Atherton
- Ethics Committee – Glenn Spaulding, Helen McKinlay, Ronald Smith, Robert Harnish
- Water & Sewer Commission – Thomas Hooker, vacancy

- Zoning Board of Adjustment (3-year term) – Stanley Markowski, Richard Conway, Clarence Greeno, Nicholas Michael, esq., Edward Keith, Jr.
- Rutland County Solid Waste Representative – Nancy Gaudreau; William “Bill” Drummond – Alternate
- Rutland Regional Planning Commission – David Mills; Donna Wilson – Alternate
- Rutland Transportation Area Council – David Atherton; Alicia Malay - Alternate
- Recreation Committee (3 year) 2026 – Kathryn Shortsleeves, Hillary Mullin
- Fire Warden – Bradley Keith
- Planning Commission – (3 year) 2026 – Robert Charbonneau
- Zoning Administrator – Jeffrey Biasuzzi
- Health & Environmental Officer (3 year) – Richard Bowman

Motion passed 3 – 0.

MINUTES:

The minutes of the March 1, 2023 meeting were signed with no corrections. The Cannabis Board minutes of February 15, 2023 were signed with no corrections.

ORDERS:

The orders in the amount of \$119,415.68 and payroll in the amount of \$13,377.17 were signed with the following discussion:

D. Mills inquired the expense for the external auditors billing. D. Atherton stated that he has been emailing with Chad from Sullivan & Powers regarding the audit and results to be returned. The order was pulled from the payables listing for this meeting.

TOWN MANAGER’S REPORT:

D. Atherton reported on the following:

- A vehicle was backed into at the Wastewater Treatment Facility and this has been reported to VLCT.
- Structures grants are being sought for class 2 roads. The box culvert project at the intersection of Oxbow and Ager Roads is being considered and Camp Precast will be supplying a quote
- Pike Industries is looking into paving from Kamudas to the Fire Station on Arch Street.
- The Police Department is participating in a survey to determine grant eligibility.
- The sander on the new truck is not working due to sizing, which is not allowing the truck dump body to raise to distribute material. Fairfield has quoted \$5,000 to install a better sander on this vehicle.
- Ann Reed has issued the 45 day notices and water shut off notices for delinquent water customers.

Chair Malay inquired if the Town was responsible for the sander replacement. Mr. Atherton stated that the town was responsible as this is a more expensive sander and the truck is lower than the original truck

SELECT BOARD MEMBER COMMENTS:

D. Mills expressed gratitude to the Highway Department staff for their diligence with the cleaning of the roads during this storm.

PUBLIC COMMENT:

None presented at this time.

OLD BUSINESS

Purchasing Policy:

A draft copy of the proposed Purchasing Policy updates were included in the packets for review. One of the highlighted changes was to increase the amount that is allowed by the Department heads, as well as the Town Manager and to replace the bid process with a quote process. The adoption of this policy was tabled until there is a full board present.

Extended Truck Warranty:

There was a copy of the proposed extended warranty on the new truck that was recently purchased by the Highway Department in the packets for review. This extended warranty covers engine failure for 84 months. D. Mills inquired if this was engine and chassis or just the engine, as well as the emissions. This topic was tabled until Chad Eugair and the Town Manager can find the answers to these concerns.

NEW BUSINESS

Review Results of Town Meeting:

Chair Malay stated that Selectman Mills was re-elected and Selectman Winslow was elected to their seats.

Appointment(s) to Fill Elected Office(s) Left Unfilled by Election, if needed:

Motion by D. Mills and seconded by J. Gagnon to appoint Judi Tompkins as the Town Representative of the Maclure Library Board of Trustees. Motion passed 3 – 0.

Appointment(s) to Fill Vacancies among Officials, Board Members and Commissioners, if needed:

There was discussion regarding the vacancies that were left unfilled after Town Meeting. These positions include Water and Sewer Commission; Animal Control Officer and Zoning Ticketing Official. The Zoning Ticketing Official position will need to be discussed with Police Chief Warfle before any action can be taken, therefore, this was tabled to a future meeting.

Rutland County Solid Waste District Appointment Form:

This is an annual form that is signed by the Select Board.

Consider Adoption of VTRANS Road and Bridge Standards:

This is an annual compliance and Chad Eugair stated that this meets or exceeds the requirements set forth by the State. Motion by D. Mills and seconded by J. Gagnon to sign the document. Motion passed 3 – 0 and the document was signed.

Consider Adoption of Annual Financial Plan:

This is an annual form that is filed on behalf of the Highway Department. Motion by D. Mills and seconded by J. Gagnon to sign the Annual Financial Plan as presented. Motion passed 3 – 0 and the document was signed.

Consider Signing Certificate of Highway Mileage:

D. Atherton stated that this was an annual exercise to confirm that there is 64.261 miles of Class 1, 2 and 3 roads. The document was signed.

Consider Quotes for Tree Removal:

Quotes were reviewed for the removal of the 2 large pine trees that intrude over the neighbor's deck, which the neighbor has been asked to split the cost and has not responded; a Maple tree in the area of Tom Carrara's residence on Furnace Road and 3 ash trees on Old Hubbardton Road. Motion by D. Mills and seconded by J. Gagnon to award the bid to Black Bear at a cost of \$3,200. Motion passed 3 – 0.

Discussion on Notice of Hearing re: DG Outback Acres Solar, LLC:

Mr. Atherton stated that he has requested Party Status on behalf of the town on this project. D. Mills reported that this was discussed at the Rutland Regional Planning Commission meeting in February, however, there has been no formal presentation made to the Planning Commission or the Select Board. Rick Conway stated that there has been a packet of information sent to Kevin Blow (Planning Commission Chairman) and this topic is on the agenda at their next meeting. There was discussion that this topic was on the agenda at the last meeting and there was no representation. Mr. Atherton stated that he will invite them to the next meeting.

Consider VMERS Group C for the Town Manager Position:

The contract for the Town Manager included moving this position from a Group A to a Group C, however, there is a process that must be followed for this to happen. Motion by D. Mills and seconded by J Gagnon to approve the movement of the Town Manager's position from a Group A to a Group C with VMERS, effective immediately. Motion passed unanimously 3 – 0. The Town Manager will forward a copy of these minutes in support of the request.

Consider Additional Match Amount for Tri-Town Scoping Study:

Mr. Atherton stated that he met with Michael Ramsey regarding the Tri-Town path that has been discussed in the past. West Rutland and Proctor have agreed to each add another \$700

for the scoping study. Motion by D. Mills and seconded by J. Gagnon to add \$700 to the Tri-Town Scoping Study. Motion passed 3 – 0.

Discussion of CLA Recalculation:

Lisa Wright reports that the CLA recalculation has been favorable for Pittsford and she is awaiting the official communication.

Fuel Bid:

Mr. Atherton stated that suppliers are pulling away from 1 year contracts with regard to fuel bids. There was discussion to propose a 3 year term and compare the results. This was agreed unanimously by the members present.

Rick Conway Act 250 Motion Discussion:

Rick Conway was present to discuss the Route 7/3 intersection construction. Mr. Conway stated that there was a motion to alter the decision, which was removed and reinstated party status. There is a 30 day town party status to file an appeal to the Environmental Court. Mr. Conway stated that he has always used Jim Goss as an attorney in matters such as this, however, he has met with Jim DuMont as the opposing attorney and there should be a filing done this week. Mr. Conway stated that Atty. Kupferer understands the town appealing and can represent the Town and Planning Commission. Atty. Dumont will contact Atty Kupferer for updates. Mr. Conway stated that it was discovered that the Certificate of Service has possibly been sent to David Soulia, who the State has on file as the Chair of the Planning Commission. Mark Winslow has also recently received information. The Town will receive information on the Conway appeal and the Town can present its own case to the judge in court. Mr. Conway stated that Atty Goss received information from the traffic expert, who now works for a company that works for VTRANS, and therefore, cannot conduct another traffic study in this area as it would be a conflict of interest. Mr. Conway stated that the closest traffic expert that Atty DuMont is aware of is in the Boston, MA area. Mr. Conway stated that it is unfortunate that Rep. Shaw does not support those that don't support the project. Mr. Conway recommends that the Select Board and the Planning Commission meet with Atty Kupferer and reserve the right to appeal.

Donna Wilson inquired if Atty. DuMont was an Act 250 attorney, which Mr. Conway stated that he is and has reviewed the information and understands that this is a unique intersection and hears the concerns that have been communicated. Mr. Conway stated that the State is trying to eliminate slip lanes statewide. Mr. Conway pointed out that traffic coming from the Oxbow Road will need to cross an additional lane of traffic. There were requests for crash/traffic statistics for the slip lane and none were received, however, the statistics that were used were for the Route 7/3 intersection. The explanation that was given was that the Police Department did not specify a location. Mr. Conway stated that the District Commission ignored the information that was submitted with mile markers.

There was discussion that the State proposes installing preemptive lighting in the area to calm traffic. Chair Malay stated that the entire Select Board should discuss this topic together. Mr.

Conway stated that April 4, 2023 is the final day to file an appeal. D. Mills stated that the Planning Commission meets on March 23, 2023 and may have recommendations. Mr. Charbonneau stated that there are safety issues and that the Select Board has heard complaints on the section of Route 7 that was recently completed.

Tom Hooker and Chair Alicia Malay attended the Act 250 hearing representing the Select Board; Mark Pape and Mike Norris represented the Planning Commission and Donna Wilson represented the Rutland Regional Planning Commission. The Village District ends at the top of the hill past the intersection of Route 7/3 and VTRANS does not show the end that far south. The expert has indicated that if there is a second lane for right turns that there would be a "calming effect". Mr. Conway recommends that the Select Board members attend the hearing to request lowering the speed limit on the hill to 25 mph. Mr. Atherton stated that more signs would need to be placed. Mrs. Conway stated that they were told that the speed limit change would be up to the Select Board, Mr. Atherton will research the speed concerns.

EXECUTIVE SESSION

None necessary at this time.

Motion to adjourn by D. Mills and seconded by J. Gagnon. Motion passed 3 – 0.
The Select Board adjourned at 7:48 PM

Respectfully Submitted,

Kelly Giard
Recording Secretary

Alicia Malay, Chairman

David Mills, Vice Chairman

Thomas Hooker, Selectman

Mark Winslow, Selectman

W. Joseph Gagnon, Selectman